

REMARKS

Claims 1-5 are pending in this application. All of the pending claims were rejected.

Claims 1-4 are currently amended. Reconsideration is requested.

Claims 1-5 were rejected for double-patenting over several co-pending applications. A terminal disclaimer is being submitted with this response to overcome that rejection. Withdrawal of the rejection is therefore requested.

Claims 1-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over English in view of Slovin, further in view of Klein. Regarding claim 1, The Office concedes that English in view of Slovin fails to disclose the limitation “logic operative to backoff transmission power by an amount indicated by the alternative access point if the alternative access point indicates that the wireless device can become associated with the alternative access point.”¹ However, the Office suggests that Klein teaches the limitation at paragraph 0018. Claim 1 has been amended to more clearly distinguish the cited combination by reciting “logic for ascertaining, by the wireless device, whether the wireless device should attempt to associate with an alternative access point operating on an alternative channel, the ascertaining logic operating at least in-part on an indication of an amount by which signal strengths of transmissions from the alternative access point has been reduced by that alternative access point; ... logic operative to backoff transmission power relative to maximum transmission power by an amount indicated by the alternative access point if the alternative access point indicates that the wireless device can become associated with the alternative access point.”

One noteworthy distinction between Klein and the presently claimed invention is signaling transmit power level as opposed to the amount by which power has been reduced from

maximum. Klein teaches that the AP sends data representing the power level at which the AP has been set.² The mobile unit then sets its power level to the level indicated by the AP, or to a higher level.³ However, signaling power level provides no indication of power attenuation by the access point, nor any indication of ability to increase power. The presently claimed invention has an advantage over Klein's technique because the station can better evaluate access points based on the indicated amount by which their transmit power may be increased in order to accommodate the station. In particular, signaling a backoff relative to maximum power also indicates the amount by which power can be increased. Klein, both alone and in combination with the other references, fails to indicate an amount by which power can be increased. Withdrawal of the rejection of claim 1 is therefore requested.

Claims 2-4 have been amended to recite limitations which further describe use of signaling a backoff relative to a maximum power.

¹ pp. 7-8

² Paragraphs 0018- 0019

³ Paragraph 0020

For the reasons stated above, this application is now considered to be in condition for allowance and such action is earnestly solicited. Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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